

Exhibit B

Fax Information
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Total Pages: 6 (including cover page)

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09/27/2006 11:45 FAX 0508484000	BINGHAM McCUTCHEN LLP	001
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BINGHAM McCUTCHEN

Facsimile

DATE: September 27, 2006

NAME	FAX	PHONE
TO: U.S. Patent and Trademark Office	571-273-4300	571-273-3225

FROM: Gerald Chan (650) 849-4800 (650) 849-4900
 gerald.chan@bingham.com

PAGES: (INCLUDING THIS COVER PAGE): 6

RE: U.S. Patent Application Serial No. 10/023,264
 Entitled: HEARING DEVICES WITH AUTOMATIC CLASSIFICATION OF THE LISTENING ENVIRONMENT
 Filed December 18, 2004
 Attorney Docket No. GNA70051/02001 (Formerly 22045-7202)

MESSAGE:

Certificate of Mailing/Transmittal OF C.F.R. § 1.814(a)

I, Patricia M. Calkins, a duly qualified and authorized agent of the undersigned, do hereby certify that this paper and all enclosures are being sent by facsimile on the date indicated herein in compliance with the provisions of 37 C.F.R. § 1.814(a).

Dated September 27, 2006 Name of Patent Applicant: Shinji Kato
 Printed Name: Shinji Kato

Enclosed:

- Response to Decision on Renewed Petition Claiming Benefit of Earlier Filing Date Under 37 CFR 1.55 (c).

For transmittal purposes, please call (800) 849-4822

The enclosed is in this material (including attachments, if any) is privileged and confidential and is intended only for the addressee(s) listed above. If you are not the intended recipient(s), please do not disseminate or use the information contained herein. If you have received this communication in error, please notify the sender immediately by e-mail and delete the communication from your system. If you are not the intended recipient(s), please do not disseminate or use the information contained herein. Thank you.

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Client Name	Shinji Kato	Transmit No.	00077	
Transmit No.	00077	Transmit No.	00077	

PAGE 18 / 20 / 09/27/06 5:44 PM Eastern Standard Time / 09/27/06 07:07 PM / 09/27/06 07:00 / CIRCULAR MAIL / DURATION 00:04:54

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BINGHAM McCUTCHEN

Facsimile

DATE: September 27, 2006

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

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Los Angeles
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Silicon Valley
Tokyo
Walnut Creek
Washington

	NAME	FAX	PHONE
TO:	Office of Petitions U.S. Patent and Trademark Office	571-273-8300	571-272-3225

FROM:	Gerald Chan gerald.chan@bingham.com	(650) 849-4800	(650) 849-4960
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PAGES: (INCLUDING THIS COVER PAGE): 6

RE: U.S. Patent Application Serial No: 10/023,264
 Entitled: HEARING PROSTHESIS WITH AUTOMATIC
 CLASSIFICATION OF THE LISTENING ENVIRONMENT
 Filed: December 18, 2001
 Attorney Docket No. GNA7005162001 (Formerly 22645-7202)

MESSAGE:

Certificate of Mailing/Transmission (37 C.F.R. § 1.6(a)):

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Office of Petitions at Facsimile No. 571-273-8300.

Dated: September 27, 2006

Name of Person Certifying: *Sheila Badon*

Printed Name: Sheila Badon

Enclosed:

- Response to Decision on Renewed Petition Claiming Benefit of Earlier Filing Date Under 37 CFR 1.55 (c).

Facsimile

DATE: September 27, 2006

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	NAME	FAX	PHONE
TO:	Office of Petitions U.S. Patent and Trademark Office	571-273-8300	571-272-3225

FROM: Gerald Chan (650) 849-4800 (650) 849-4960
gerald.chan@bingham.com

PAGES: (INCLUDING THIS COVER PAGE): 6

RE: U.S. Patent Application Serial No: 10/023,264
Entitled: HEARING PROSTHESIS WITH AUTOMATIC
CLASSIFICATION OF THE LISTENING ENVIRONMENT
Filed: December 18, 2001
Attorney Docket No. GNA7005162001 (Formerly 22645-7202)

MESSAGE:

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Office of Petitions at Facsimile No. 571-273-8300.

Dated: September 27, 2006

Name of Person Certifying: 

Printed Name: Sheila Badon

Enclosed:

- Response to Decision on Renewed Petition Claiming Benefit of Earlier Filing Date Under 37 CFR 1.55 (c).

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Nils Peter Nordqvist, et al.

Serial No.: 10/023,264

Filed: December 18, 2001

For: HEARING PROSTHESIS WITH
AUTOMATIC CLASSIFICATION OF THE
LISTENING ENVIRONMENT

Attorney Handling Petition:

Paul Shanoski

Attn: Paul Shanoski
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO DECISION ON RENEWED PETITION CLAIMING BENEFIT OF
EARLIER FILING DATE UNDER 37 CFR 1.55(c)**

Dear Sir:

In response to the Decision On Renewed Petition mailed on August 30, 2006, Applicants respectfully submit the following remarks and request for reconsideration.

On April 13, 2006, Applicants petitioned for acceptance of a claim of priority that was presented in the above-referenced non-provisional application after the time period provided by paragraph 37 C.F.R. § 1.78(a)(2)(ii). The petition was accompanied with, among other documents, (1) a Request for Continued Examination, (2) a claim of priority, (3) an amendment inserting the relate-back statement in the specification, and (3) an Application Data Sheet ("ADS") Under 37 CFR 1.76(b)(6).

According to the Decision On Renewed Petition, the renewed petition is dismissed because the ADS does not indicate the relationship between the present application and the PCT application PCT/DK01/00226. However, 37 C.F.R. § 1.76(b)(6) states:

FOREIGN PRIORITY INFORMATION.

This information includes the application number, country, and filing date of each foreign application for which priority is claimed, as well as any foreign application having a filing date before that of the application for which priority is claimed. Providing this information in the application

data sheet constitutes the claim for priority as required by 35 U.S.C.
119(b) and §1.55(a).

(Emphasis Added)

As such, according to 37 C.F.R. § 1.76(b)(6), providing the “application number, country, and filing date” in the ADS “constitutes the claim for priority,” and therefore, does not require Applicants to explicitly describe the relationship between the present application and the applications listed in the ADS.

In case there is any doubt as to how the PCT application is related to the present application, Applicants had also previously submitted with the petition, an amendment to the specification (see EXHIBIT A) to include the following statement regarding claim of priority:

This application is a continuation of PCT Patent Application
PCT/DK01/00226, filed April 4, 2001, which claims priority from Danish
Patent Application PA 2000 00554, filed April 4, 2000.

As such, there should be no question regarding the relationship between the present application and the applications listed in the ADS.

For the foregoing reasons, Applicants respectfully request that the Office reconsiders the April 13, 2006 petition.

The Commissioner is authorized to charge the appropriate fee under 37 C.F.R. § 1.136(a), and any fee in connection with this petition, to Deposit Account No. 502518, referencing Attorney Docket No. 7005162001. If the Examiner determines that a telephone interview would advance handling of this matter, the Examiner is respectfully requested to contact the undersigned at (650) 849-4960.

DATE: September 27, 2006

Respectfully submitted,

By: 

Gerald Chan
Registration No. 51,541

Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Confirmation No.: 5504
)	
Nils Peter Nordqvist, et al.)	Group Art Unit: 2643
)	
Serial No.: 10/023,264)	Examiner: Ensey, Brian
)	
Filed: December 18, 2001)	
)	
For: HEARING PROSTHESIS WITH)	
AUTOMATIC CLASSIFICATION)	
OF THE LISTENING)	
ENVIRONMENT)	

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

This paper is submitted in connection with the concurrently filed Request for Continued Examination and Petition Claiming Benefit of Earlier Filing Date Under 37 C.F.R. § 1.55(c). Please amend the application as follows:

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee', Express Mail Label No. EV547086802 US, in an envelope addressed to the Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.

4-13-06
Date of Deposit
PA/52181074.1

Sheila Badon
Sheila Badon

AMENDMENT TO THE SPECIFICATION

Please insert at page 1, line 3, the following:

—RELATED APPLICATION DATA—

-- This application is a continuation of PCT Patent Application PCT/DK01/00226, filed April 4, 2001, which claims priority from Danish Patent Application PA 2000 00554, filed April 4, 2000.--

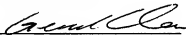
REMARKS

The specification has been amended to insert related application data.

If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (650) 489-4960.

Respectfully submitted,

Dated: April 13, 2006

By: 
Gerald Chan
Reg. No. 51,541

Bingham McCutchen LLP
Three Embarcadero Center, 18th Floor
San Francisco, California 94111
Customer No. 23639